



# PUBLIC NOTICE

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## Auction 94 Freeze Announced for FM Minor Change Applications

The Media Bureau announces that it will not accept FM commercial and noncommercial educational (“NCE”) minor change applications during the Auction 94 Form 175 application filing window. This window will open on January 28, 2013, and close on February 6, 2013.<sup>1</sup>

In Auction 94, scheduled to begin on April 23, 2013, the Media and Wireless Telecommunications Bureaus will make available through competitive bidding procedures 112 vacant non-reserved band allotments in the FM broadcast service. These allotments are listed in Attachment A of the *Auction 94 Procedures Public Notice*.<sup>2</sup> FM minor change applications, which can now be filed on a first-come first-served basis, must protect the reference coordinates of each of these allotments. As part of the pre-auction procedures, an auction participant must file Form 175, Application to Participate in an FCC Auction. In conjunction with its Form 175 submission, an auction participant also may specify preferred site coordinates, and thereby gain protection for a potential transmitter site.<sup>3</sup> However, absent a freeze during the Form 175 filing period, an existing station could file a minor change proposal that would be mutually exclusive with an auction applicant’s new station proposal at its preferred site, thereby subjecting the minor change application to auction procedures. This freeze also will include reserved band minor change applications to avoid potential conflicts between these filings and Form 175

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<sup>1</sup> On September 11, 2012, the Media Bureau also announced a freeze, effective immediately, on the filing of applications proposing to modify any of the vacant non-reserved band FM allotments scheduled for Auction 94, and petitions and counterproposals that propose a change in channel, class, community, or reference coordinates for any of the FM allotments scheduled for Auction 94. Any application, petition or counterproposal that either proposes any change to, or fails to fully protect an Auction 94 FM allotment, or preferred site coordinates specified in an applicant’s Form 175 application, will be dismissed. This freeze will automatically terminate the day after the filing deadline for post-Auction 94 long form applications. See *Auction 94 Freeze Announced for Certain FM Applications and Rulemaking Filings*, Public Notice, DA 12-1451 (MB rel. Sept. 11, 2012).

<sup>2</sup> *Auction of FM Broadcast Construction Permits Scheduled for April 23, 2013; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments and Other Procedures for Auction 94*, Public Notice, DA 12-1865 (WTB/MB rel. Nov. 21, 2012) (“*Auction 94 Procedures Public Notice*”). Bidders are also cautioned that currently pending petitions for rulemaking and open rulemaking proceedings may affect the 112 FM allotments scheduled for Auction 94. See *Auction 94 Procedures Public Notice*, “Due Diligence,” Section I.B.3.

<sup>3</sup> See *Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15975 and n.153 (1998) (“*Broadcast First Report and Order*”), on recon., Memorandum Opinion and Order, 14 FCC Rcd 8724 (1999), on further recon., Memorandum Opinion and Order, 14 FCC Rcd 14521 (1999).

applications.<sup>4</sup> These temporary freezes are designed to avoid conflicts between the frozen filings and auction proposals, and promote a more certain and speedy auction process.

For additional information, contact James Bradshaw or Rudy Bonacci, Audio Division, Media Bureau at (202) 418-2700.

By: Chief, Media Bureau

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<sup>4</sup> Such conflicts may arise when the Commission's minimum distance separation requirements for FM facilities are applied to proposals specifying operation on channels in the "border" between the reserved and non-reserved bands (Channels 218-223) or on intermediate frequency (IF) channels, *i.e.*, channels that are separated by 53 or 54 channels. See 47 C.F.R. §§ 73.207 and 73.507.